

09-13-02

PATENT

Attorney Docket No. 101.0101-00000

Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gary K. Michelson

Serial No.: 09/768,991

Filed: January 23, 2001

For: INTERBODY SPINAL IMPLANT  
WITH TRAILING END ADAPTED  
TO RECEIVE BONE SCREWS  
(As Amended)

Group Art Unit: 3732

Examiner: P. Philogene

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL**

Express Mail Mailing Label No. EV 044 233 573 US

Date of Deposit: September 11, 2002

I hereby certify that:

1. Information Disclosure Statement;
2. PTO Form 1449 with one (1) document;
3. Check in the amount of \$180.000 (for IDS fee); and
4. Self-addressed return postcard receipt.

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

Date: September 11, 2002

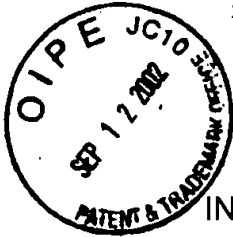
Anita Chou

14500 Avion Parkway, Suite 300  
Chantilly, VA 20151-1101  
Telephone: 703-679-9300  
Facsimile: 703-679-9303

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PATENT  
Attorney Docket No. 101.0101-00000  
Customer No. 22882  
Express Mail No.: EV 044 233 896 US

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**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), the fee of \$180.00 as specified by Section 1.17(p) is to enclosed.

A copy of the listed document is submitted herewith.

Applicant respectfully requests that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

09/16/2002 AOSMAH1 00000098 09768991

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180.00 CP

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If the Examiner applies the document as prior art against any claims in the application and applicant determines that the cited document does not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such document.

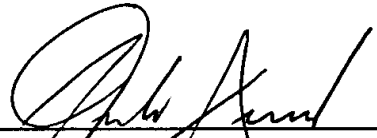
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: September 11, 2002

By:   
Amedeo F. Ferraro  
Registration No. 37,129

14500 Avion Parkway, Suite 300  
Chantilly, VA 20151-1101  
Telephone: (703) 679-9300  
Facsimile: (703) 679-9303